



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 4286-00

13 November 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that her reenlistment code be changed.

2. The Board, consisting of Messrs. McPartlin, Chapman, and Harrison reviewed Petitioner's allegations of error and injustice on 8 November 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Navy on 16 June 1999 for four years at age 19. The record reflects that while in recruit training she reported that she had been psychiatrically hospitalized at age 14 and had been sexually abused and assaulted on a nightly basis by a stepfather for two years when she was 12-14 years old. She also disclosed that a social

worker came to her home once a week for about 16 weeks at age 16 for the sexual abuse, and that she had been placed on Ritalin for hyperactivity for about a year while in grade school. She was diagnosed as having a post-traumatic stress disorder, a condition that existed prior to enlistment. An entry level separation was recommended due to a disqualifying psychiatric condition.

d. On 28 July 1999, Petitioner was notified that she was being considered for administrative separation by reason of convenience of the government as evidenced by a post-traumatic stress disorder. She was advised of her procedural rights. She declined to consult with legal counsel or submit a statement in her own behalf, and waived the right to have her case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous entry. Petitioner was so discharged on 3 August 1999.

e. Regulations authorize the assignment of an RE-3E or RE-4 reenlistment code to individuals separated by reason of erroneous enlistment. An RE-3E reenlistment code means an individual is eligible for reenlistment except for the disqualifying factor which led to the discharge. An RE-4 reenlistment code means the individual is ineligible for reenlistment without prior approval from Commander, Navy Personnel Command.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board believes that the restrictive RE-4 reenlistment code was unduly severe since there is no evidence that Petitioner had any discipline or performance problems during her short period of service. The Board further believes she should not be restricted from further service if the condition that led to her discharge no longer exists. Accordingly the Board concludes that it would appropriate and just to change the reenlistment code to RE-3E.

#### RECOMMENDATION:


a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 3 August 1999, to RE-3E.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

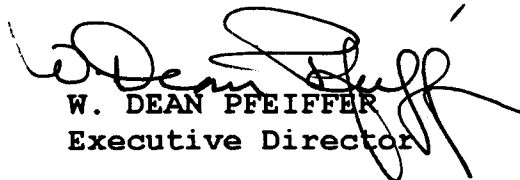
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director